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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/117,795 11/10/98 SADO

M CU-1758RJS

EXAMINER
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IM62/1102

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GARRETT, D

ART UNIT	PAPER NUMBER
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1751

DATE MAILED:

11/02/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/117,795

Applicant(s)

Sado

Examiner

Dawn Garrett

Group Art Unit

1751



☒ Responsive to communication(s) filed on 11-10-98

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-3 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Priority*

1. It is acknowledged this application claims foreign priority to Japanese application 8/89885 filed 3/7/96.
2. This application has been filed under 35 U.S.C. § 371 based upon PCT/JP97/00544 filed 2/26/97.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 (upon which claims 2 and 3 depend) contains the indefinite phrase “polymer-type”. The word “type”, when appended to an otherwise definite term, may render said term indefinite (see *Ex parte Attig*, 7 USPQ 2d 1092 (BPAI 1988); *Ex parte Copenhaver*, 109 USPQ 118 (PO BdPatApp 1955)).

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***Claim Rejections - 35 USC § 102 and § 103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Evaluations of the level of ordinary skill in the art require consideration of such factors as various prior art approaches, types of problems encountered in the art, rapidity with which innovations are made, sophistication of technology involved, educational background of those actively working in the field, commercial success, and failure of others. The “person having ordinary skill” in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The evidence of record including the references and/or admissions are considered to reasonably reflect this level of skill.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 63069897 A (Abstract) . The abstract of Japanese patent 63069897-A describes a detergent composition comprising 5-95 % of one or more amines of mono-, di-, and triethanol amines, 0.2-50 % of one or more high boiling point solvents

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comprising diethylene glycol monobutyl ether and benzyl alcohol used for heavy dirt attached to hard surfaces. Since the abstract teaches the limitations of instant claims 1-3, the reference is deemed to be anticipatory. In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it nonetheless would have been obvious to the skilled artisan at the time of the invention to have produced the claimed composition as taught in the Japanese patent, since each of the claimed components are disclosed by the abstract. Therefore, claims 1-3 are rendered obvious in view of the teachings of JP 63069897 A.

9. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Eenam (U.S. 5,158,710). VanEenam teaches an aqueous cleaner/degreaser microemulsion compositions suitable for hard surfaces (see abstract). The compositions are described as removing 95-100 % of four coats of "Buckeye Citation" floor finish (column 11, lines 26-30) indicating that the compositions are suitable for cleaning/removing floor polish. The compositions comprise (a) at least one sparingly water soluble organic solvent having specified characteristics, (b) a builder, (c) a solubilizing additive consisting of from approximately 0.1 to approximately 100 weight percent of a surfactant and from 0 to approximately 99.9 weight percent of a coupler, and (d) water (see abstract). The water soluble organic solvent may be ethylene glycol dibutyl ether per instant claims 1 and 2 (see col. 3, lines 62-63). Also, benzyl alcohol is taught as an appropriate organic solvent (col. 4, line 23) per instant claim 1. A preferred surfactant is triethanolamine per instant claims 1 and 3 requiring an alkanolamine. It would have been obvious to one of ordinary

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skill in the art at the time of applicant's invention to have made compositions as recited in instant claims 1-3, because all limitations of these claims are generally taught by VanEenam.


***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are considered cumulative to or less material than those discussed above.

11. Applicant is reminded that any evidence to be presented in accordance with 37 C.F.R. § 1.131 or 1.132 should be presented prior to final rejection in order to be considered timely.

12. Any inquiry concerning this communication or any earlier communications from the examiner should be directed to Dawn Garrett at (703)305-0788. The examiner can normally be reached between about 8:00 AM and about 5:30 PM, E.S.T., Monday through Thursday and alternate Fridays. If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached at (703)308-4708. The fax numbers for this Technology Center are:

- a. (703)305-3599 -- FOR AFTER-FINAL FAXES ONLY, and
- b. (703)305-7718 -- FOR ALL OTHER OFFICIAL FAXES. Any inquiry of a general nature or relating to the status of the application should be directed to the Tech. Center receptionist at (703)308-0661.

  
**YOGENDRA GUPTA**  
**SUPERVISORY PATENT EXAMINER**

  
D.G.

October 25, 1999